

REMARKS

In the outstanding official action, claims 1 and 9 were objected to because of the informality regarding the use of the term "actuatable", as this term was deemed to be either misspelled or not a word. Likewise, claims 1 and 9 were rejected under 35 USC 112 as being indefinite for failing to point out and distinctly claim the invention, because the use of the term "actuatable" in describing the control unit was deemed to be neither defined explicitly in the specification or implicitly through its usage.

In response, and in order to overcome the objection and rejection under §112 with respect to the use of the term "actuatable" in claims 1 and 9, these claims are herewith amended to delete the objectionable term and to instead recite that the component in question is "capable of being actuated". It is respectfully submitted that this amended language recites the intended concept in a manner which is clear, definite and fully supported by the specification.

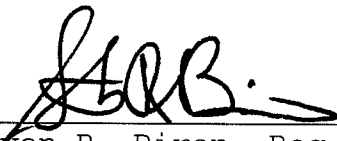
On the merits, claims 1-9 were rejected under 35 USC 102 as being anticipated by Rode et al, for the reasons of record. More particularly, it was suggested that Rode discloses all of the limitations of independent claims 1 and 6, including an "actuatable" control unit as herein described and claimed.

In response, independent claims 1 and 6 have been amended to recite a control unit capable of being actuated (as discussed above) and which additionally transmits a signal to the sensing means (claim 1) or the personal monitoring system (claim 6). It is respectfully submitted that Rode neither shows nor suggests that his control unit (body transceiver 10) is capable of being actuated, a specific feature of the instant invention designed to reduce power consumption as described on page 2 of the instant application. Furthermore, the independent claims have been amended to more positively and precisely recite that the control unit of the instant invention generates a signal (T) which is transmitted back to the sensing means or the personal monitoring system. In Rode, on the contrary, it is expressly stated that the sensor unit transmits signals to the body transceiver (control unit), which is directly opposite to the teachings of the instant invention as now more precisely claimed. Furthermore, once signals are transmitted from the sensor unit to the body transceiver (control unit), signals are further transmitted, not back to the sensor unit, but rather to a third component, namely a data logger (12). Thus, it is clear that signals generated by the control unit in the prior art are not transmitted back to the sensing means or personal monitoring system, so that it would be impossible for such signals

to be superimposed on a signal within the sensing means as in the instant invention as claimed.

In view of the foregoing amendments are remarks, it is respectfully submitted that the claims now fully comply with §112, and that independent claims 1 and 6, as herewith amended, as well as the remaining claims depending therefrom, are now clearly patentably distinguishable over the cited and applied reference. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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